

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROXANNE PURDAGONE,

Plaintiff,

v.

OFFICER GREG RODRIGUEZ and
MICHAEL PALLARES,

Defendants.

Case No. 1:23-cv-01324-JLT-HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL

(Docs. 21, 39)

Roxanne Purdagone is a state prisoner proceeding through counsel on her First Amended Complaint alleging violation of civil and constitutional Rights under 42 U.S.C. § 1983. (Doc. 19.) This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge issued Findings and Recommendations to grant Defendant Pallares' motion to dismiss with respect to Plaintiff's Eighth Amendment cruel and unusual claim of sexual misconduct (claim one) and Plaintiff's Fourteenth Amendment bodily integrity claim (claim two); deny the motion with respect to Plaintiff's Eighth Amendment failure to protect claim (claim three) and Plaintiff's Eighth Amendment supervisory liability claim (claim four); and allow Plaintiff to proceed only on claims three and four against Defendant Pallares. (Doc. 39 at 1, 12.) The Court served the Findings and Recommendations on the parties and notified them that objections were to be filed within 14 days. (*Id.* at 12-13.) The Court further

1 warned the parties that “failure to file any objections within the specified time may result in the
2 waiver of certain rights on appeal.” (*Id.* at 13 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839
3 (9th Cir. 2014)).) Neither party has filed any objections and the time to do so has passed. (*See*
4 docket.)

5 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this
6 case. Having carefully reviewed the entire file, the Court concludes the Findings and
7 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations, issued on December 5, 2025 (Doc. 39), are
9 **ADOPTED** in full.
- 10 2. Defendant’s Motion to Dismiss (Doc. 21) is **GRANTED** with respect to Plaintiff’s
11 Eighth Amendment cruel and unusual claim of sexual misconduct (claim one) and
12 Plaintiff’s Fourteenth Amendment bodily integrity claim (claim two).
- 13 3. Defendant’s Motion to Dismiss (Doc. 21) is **DENIED** with respect to Plaintiff’s
14 Eighth Amendment failure to protect claim (claim three) and Plaintiff’s Eighth
15 Amendment supervisory liability claim (claim four).
- 16 4. Plaintiff is allowed to proceed on her Eighth Amendment failure to protect (claim
17 three) and supervisory liability claim (claim four) against Defendant Pallares.

18 IT IS SO ORDERED.

19
20 Dated: **December 31, 2025**


UNITED STATES DISTRICT JUDGE